

## MINUTES

### HOUSE & SENATE INTERIM COMMITTEES ON PUBLIC HEALTH, WELFARE AND LABOR

July 6, 2015

The House and Senate Interim Committees on Public Health, Welfare and Labor met Monday, July 6, 2015 at 10:00 a.m. in Committee Room A of the Big MAC Building, Little Rock, Arkansas.

**Public Health Senate Members Attending Were:** Senators Cecile Bledsoe, Chair; Stephanie Flowers, Vice Chair; John Cooper, and Scott Flippo.

**Public Health House Members Attending Were:** Representatives Kelley Linck, Chair; Mary Bentley, Justin Boyd, Ken Bragg, David Branscum, Kim Hammer, Ken Henderson, Robin Lundstrum, Stephen Magie, David Meeks, Josh Miller, Betty Overbey, Chris Richey, Dan Sullivan, Jeff Wardlaw, and Richard Womack.

**Other Legislators Attending Were:** Senators Ronald Caldwell, Bryan King, and Eddie Joe Williams. Representatives Charles Armstrong, Scott Baltz, Nate Bell, Charles Blake, Jim Dotson, Trevor Drown, Jon Eubanks, David Hillman, Joe Jett, Sheilla Lampkin, Mark McElroy, Ron McNair, Micah Neal, James Ratliff, Sue Scott, James Sorvillo, and Marshall Wright.

#### **Comments by the Chairs**

Senator Cecile Bledsoe called the meeting to order.

#### **Consideration to Approve the Minutes of the May 29, 2015 Meeting (Exhibit C)**

Without objection the minutes from the May 29, 2015 meeting were approved.

**Board of Examiners in Speech-Language Pathology & Audiology--Review of Rules & Regulations for Updating Education Requirements Matching University Programs for Audiologists; and Updating Passing Scores for Speech Pathologists & Audiologists, According to Changes Made by The National Testing Service. (EXHIBIT D)** Betty Bass, Office Manager, and Jayme Pultro, Vice Chair, both with the Board of Examiners in Speech-Language Pathology and Audiology, presented a review of changes and updates in The Arkansas Speech-Language Pathology & Audiology Board rules. Ms. Bass stated there were no negative comments from the public comment period.

Representative Linck advised Ms. Bass to know the exact amount of the board's cash fund balance when they present these rule changes before the Rules & Regs. Committee.

Senator Bledsoe stated that without objection this rule change will stand as reviewed.

#### **Arkansas Department of Health, Center for Health Protection, Review of Rules & Regulations Regarding the Control of Sources of Ionizing Radiation (EXHIBIT E)**

Robert Brech, Chief Financial Officer, Arkansas Department of Health, presented a brief summary of the proposed rule changes for the Control of Sources of Ionizing Radiation. Arkansas is an Agreement State and these rule changes are necessary so that Arkansas regulations remain compatible with the U.S. Nuclear Regulatory Commission (NRC).

Senator Bledsoe stated that without objection this rule change will stand as reviewed.

#### **Arkansas Department of Health, Health Facility Services, Review of Rules & Regulation Regarding Licensing Standards for Hospitals, Related Institutions (EXHIBIT F)**

*and*

#### **Arkansas Department of Health, Health Facility Services, Review of Rules & Regulation Regarding Licensing Standards for Critical Access Hospitals (EXHIBIT G)**

Robert Brech, Chief Financial Officer, Arkansas Department of Health, presented the proposed changes for licensing standards for hospitals, related institutions, and critical access hospitals. The rule changes for hospitals & related institutions, and the critical access hospitals are identical. However, there have been no updates for hospitals & related institutions since 2007; and no updates for the critical access hospitals since 2008.

Connie Melton, Section Chief, Health Facilities Services, Arkansas Department of Health, confirmed there is complete consensus to these changes from all interested parties. These changes are necessary to maintain compliance with federal regulations and in general updates.

Senator Bledsoe stated that without objection, the changes to Items F & G will stand as reviewed.

**Department of Human Services, Division of Medical Services, Review of the Medicaid Quarterly Report for the 3<sup>rd</sup> Quarter of SFY2015, January 1, 2015 through March 31, 2015, as Required by A.C.A. 20-77-111** (Handout)  
Mark Storey, Chief Financial Officer, Division of Medical Services and Dawn Stehle, Director, Medical Services Division, both with the Department of Human Services; presented and discussed the Medicaid Quarterly Report for the 3<sup>rd</sup> quarter of SFY2015.

Mr. Story stated that the current growth rate of 2.06% for Traditional Medicaid in Arkansas remains historically low and will probably stay around 2% to the end of year 2015.

Committee members requested the following information and Dawn Stehle said this information would be provided to Phil Price, Senior Legislative Analyst and to the Public Health Committees:

- ◆ The number of doctors who are not accepting *new* Medicaid patients
- ◆ The amount of revenue generated by the Soda Pop Tax in the past year
- ◆ A breakdown of the spending increases in the disabilities division, according to the type of disability.
- ◆ Please confirm the correct amount of the increasing cost of the managed care model, since there has been conflicting information.
  - Ms. Stehle said the Medical Services Division will follow up with The Stephen Group (TSG) to learn what data TSG is using and how it compares to what the Department of Human Service's records show inside of the actual programs and also to see what the actual cost has been from year to year.

Senator Bledsoe stated that without objection, the report will stand as reviewed.

**Arkansas Department of Environmental Quality, Review of Proposed Rule Which Adds Provision to Arkansas Pollution & Ecology Commission, Regulation No. 5, Liquid Animal Waste Management Systems (EXHIBIT I)**  
and

**Arkansas Department of Environmental Quality, Review of Proposed Rule Which Adds Provision to Arkansas Pollution & Ecology Commission, Regulation No. 6, Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES) (EXHIBIT J)**

Ryan Benefield, Deputy Director, Arkansas Department of Environmental Quality (ADEQ), stated that both of these regulations are third party proposed changes from the Ozarks Society and the Arkansas Public Policy Panel.

Sam Ledbetter, Managing Partner, McMath Woods, P.A., presented the proposed changes for Regulation #5 in the Liquid Animal Waste Management Systems (state only liquid animal waste); and Regulation #6 of the National Pollutant Discharge Elimination System (the federal program). He stated the regulation changes are functionally the same for both Regulations 5 and 6.

Mr. Ledbetter gave a brief synopsis of the proposed rule change. This rule refers to large swine, confined animal feeding operations only in the Buffalo River Watershed area. This proposed rule change would extend the current permitting moratorium for five more years. After the five (5) year extension, this issue will be reviewed and a decision made as to:

- ◆ Allow only permitting of the current confined animal feeding operations permanent
- or*
- ◆ Remove the moratorium and allow additional large swine confined animal feeding operations to be eligible to set up operations in the Buffalo River Watershed area.

Senator Bledsoe stated that without objection, the rule will stand as reviewed—**provided** the word '*shall*', is substituted for the word '*may*' for both Regulations 5 & 6.

Mr. Ledbetter stated the change from 'may' to 'shall' will be changed promptly, submitted to Mr. Price, and the updated rule with this change will then be ready for presentation to the Rules & Regs Committee.

The meeting adjourned at 11:10 a.m.